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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,506	07/29/2003	Giovanni Antonio Coscia	P69019US0	5072

136 7590 09/27/2005

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EXAMINER

HEITBRINK, TIMOTHY W

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,506

Applicant(s)

COSCIA, GIOVANNI ANTONIO

Examiner

Tim Heitbrink

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7 and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor (US Patent 4,089,926).

Taylor discloses an injection molding system for a material vulcanizable by heat comprising a mold for molding impressions fed from channels 52 for feeding the material in the fluid material and means 84,85 having a resistive heater 87 for vulcanizing the material in the impressions, the mold is separable into a first portion containing first sections of the feeding channels and a second portion 10,20 containing end sections of the feeding channels and the molding impressions, the vulcanizing means comprising said element 87 that is interposed in contact between said first and second mold portions, wherein the element 87 brings the material in the impressions to a temperature adapted to vulcanize the material in the impressions and thermoregulating means 83a maintaining the element surface 81,82 coming in contact with the first portion to avoid vulcanization in the first channel sections. The first mold portion extending into the second mold as shown in Fig. 4.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor as applied to claims 1-5, 7 and 13-15 above, and further in view of Fazekas et al. (US Patent 3,876,356).

While the cooling ducts 83a and electric element 87 of Taylor are not positioned between an insulating layer, Fazekas et al. in the same field of endeavor discloses an insulating layer 76 between a heating layer 72 and a cooling plate 74 to be conventional in order to eliminate or reduce heat transfer between the two layers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an insulation layer between the cooling ducts 83a and heater element 87 of Taylor in order to eliminate or reduce heat transfer between the two layers as suggested by Fazakas et al.

Claims 8-12, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor as applied to claims 1-5, 7, 13-15 above, and further in view of German Patent 3122566.

While Taylor does not disclose projections extending into the feeding channels that feed the mold cavities so that the feeding channels are emptied when the material solidifies, German Patent 3122566 discloses in the same field of endeavor projections (Fig. 4) extending into feed channels 16 that feed mold cavities 17 so that the feed channels are emptied when the material solidifies.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide projections extending into the feeding channels of Taylor

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that feed the mold cavities so that the feeding channels are emptied when the material solidifies as suggested by German Patent 3122566.

Applicant's arguments filed 7-14-05 have been fully considered but they are not persuasive. Applicant argues the Taylor reference does not disclose an active thermoregulating means to control the temperature of the intermediate element to keep its surface at a temperature suitable to avoid vulcanization. The Examiner disagrees. The cooling slots 83a of Taylor allow for proper vulcanization of the material as witnessed by Fig. 4 where material enters cavity 21. Applicant argues the insulating layer 82 would not allow for positive temperature control of the surface 81. Again, the Examiner disagrees. By knowing the R value of layer 82 and the temperature of the air in the cooling slots, the skilled artisan can know and control the temperature of layer 81.

Applicant further argues the Fazekas reference is not relevant to claims 8-12 since it relates to a different molding press. Since the Fazekas reference is only applied to claim 16 the Examiner agrees. See German reference 3122566 regarding claims 8-12.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

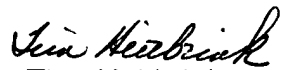
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Heitbrink whose telephone number is 571-272-1132. The examiner can normally be reached on Tuesday-Friday 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tim Heitbrink
Primary Examiner
Art Unit 1722
9-21-05

twH